

# Open and Public Meetings Act

## Summary of Key Provisions\*

### Purpose (*Section 52-4-102*)

State and local agencies exist to conduct the people's business, which must be done openly.

### Definitions (*Section 52-4-103*)

- **Meeting** means a convening of a public body with a quorum present to discuss, receive comment, or act on a matter under its jurisdiction or advisory power.
- **Meeting** does not mean a chance or social meeting, a meeting of a public body that has both legislative and executive responsibilities in certain circumstances, or a meeting of the State Tax Commission to consider a confidential tax matter.
- **Public Body** is any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
  - Is created by constitution, statute, rule, ordinance, or resolution;
  - Expends, disburses, or is supported by tax revenue; and
  - Is vested with the authority to make decisions regarding the public's business.

2013 Amendments to  
the Open and Public  
Meetings Act

S.B. 77  
Availability of  
Government  
Information

S.B. 86  
Independent Executive  
Branch Ethics  
Commission

S.B. 148  
Conservation Districts-  
Closed Meetings  
Amendments

### Public Notice (*Section 52-4-202*)

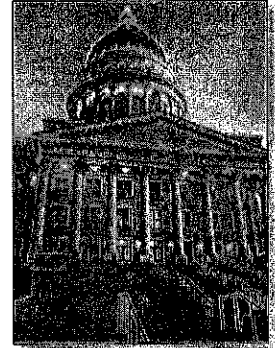
- A public body must give notice at least 24 hours before each meeting. The public notice must:
  - Include the date, time, and place of the meeting;
  - Include an agenda that lists topics to be considered;
  - Be posted in specified places, including the Utah Public Notice Website; and
  - Be provided to a newspaper or local media correspondent.
- A public body may discuss a topic raised by the public that is not listed on the agenda, but may not take final action on the topic.

### Minutes and Recordings (*Sections 52-4-203 and 52-4-206*)

- 2013 General Session S.B. 77, Availability of Government Information, made changes to the minutes and recordings requirements.
- A public body must keep written minutes and a recording of all meetings. A recording is not required for a site visit if no vote or action is taken by the public body.
- Pending minutes must:
  - Indicate that the public body has not yet approved the minutes; and
  - Be available to the public within 30 days.
- Within three business days after holding a public meeting, a recording of an open meeting must be posted on the Utah Public Notice Website.
- Within three business days after approving written minutes, the approved minutes and any public materials distributed at the meeting must be:
  - Posted on the Utah Public Notice Website; and
  - Made available at the public body's primary office;

## Closed Meetings (**Sections 52-4-201, 52-4-204, and 52-4-205**)

- A meeting is open to the public unless it is closed by a two-thirds vote with a quorum present at the open meeting.
- The public body must announce the reasons for the closed meeting and enter the reasons into the minutes of the open meeting.
- The public body may only hold a closed meeting for certain reasons, including:
  - Discussion of a person's character, competence, or health;
  - Strategy for collective bargaining;
  - Pending or imminent litigation;
  - An acquisition of real property, including water rights or shares;
  - Discussion of security system;
  - Investigation of criminal conduct;
  - Specified commercial information discussed by a county legislative body;
  - Certain legislative or political subdivision ethics complaint matters; or
  - Fiduciary or commercial information being discussed by the Utah Higher Education Assistance Authority.
- A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence or to discuss a person whose name was submitted for consideration to fill a midterm vacancy or temporary absence.



## Closed Meeting Exceptions (**Section 52-4-204**)

- No vote is required to close a meeting for the Independent Legislative Ethics Commission to review an ethics complaint.
- If a public body is required to hold a closed meeting, it may do so by majority vote.

## Emergency Meetings (**Section 52-4-202**)

A public body may not hold an emergency meeting unless it makes an attempt to notify all members and a majority of its members approve the meeting. A public body need not give a 24-hour notice if unforeseen circumstances require an emergency meeting and it gives the best practical notice.

## Electronic Meetings (**Sections 52-4-207 and 52-4-209**)

- A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern them.

## Penalties (**Sections 52-4-302 and 52-4-305**)

- **Open Meetings** - Any final action taken in violation of the act is voidable by a court.
- **Closed Meetings** - It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions.

*\*A public body must provide annual training to its members on the requirements of the Open & Public Meetings Act (Section 52-4-104). This summary is intended for a state legislative audience and should not be construed as exhaustively addressing requirements of the act for other public bodies.*